

IN THE DRAWINGS:

Please delete the drawings as filed with the above-identified application and substitute the enclosed replacement drawings therefore. The purpose of this amendment is to correct the outstanding objection to the margins of at least some of the drawings as originally filed with this application that was issued by the Office Draftsman on 3 November 1998 in the above-identified application prior to the change in the Rules requiring corrected drawings to be filed during prosecution, rather than after allowance.

REMARKS

This is in response to the non-final Official Action currently outstanding with regard to the above-identified application.

Claims 1-4 and 6-17 were present in this application at the time of the issuance of the currently outstanding non-final Official Action in the above-identified application. The present Amendment amends Claims 1 and 14. No Claims have been added, canceled or withdrawn. Accordingly, upon the entry of the foregoing Amendment, the claims under active prosecution in this application will be Claims 1-4 and 6-17 as hereinabove amended.

The claims as they will stand upon the entry of the foregoing Amendment are set forth in full herein as required by the Rules.

In the currently outstanding Official Action, the Examiner has:

1. Acknowledged Applicants' claim of foreign priority under 35 USC 119(a)-(d), and to confirmed the safe receipt of the priority document for this application by the United States Patent and Trademark Office;
2. Failed to comment upon the acceptability of the drawings as originally filed – **Applicants have noted that in 1998 the drawings were objected to by the Office Draftsman on the basis that the margins of certain of the drawings were deemed to be improper. By this Amendment, the originally filed drawings are deleted and a new set of drawings (designated as “replacement” drawings) having correct margins have been substituted therefor.**
3. Provided Applicants with a Notice of References Cited, Form PTO-892;
4. Rejected Claims 1-4, 6-10, 12, 16-17 under 35 USC 103(a) as being unpatentable over Suzuki (US Patent No. 5,923,013) in view of Tanaka et al (hereinafter referred to as Tanaka (US Patent No. 5,682,549));

5. Rejected Claims 11 under 35 USC 103(a) as being unpatentable over Suzuki in view of Tanaka as applied to claim 1 and further in view of Morikawa (US Patent No. 5,960,247);
6. Rejected Claim 13 under 35 USC 103(a) as being unpatentable over Suzuki in view of Tanaka as applied to claim 1 and further in view of Kusumoto (US Patent No. 6,088,135);
and
7. Rejected Claims 14 and 15 as being unpatentable under 35 USC 103(a) over the Suzuki reference in view of the Tanaka reference.

No further comment regarding items 1-3 above is deemed to be required in these Remarks.

With respect to items 4 through 7 above, Applicants respectfully request entry of the above stated amendments to Claims 1 and 14, and reconsideration of this application as so amended.

As mentioned previously, Applicants in their Brief on Appeal argued that there is a significant difference between the present invention and the Suzuki reference. In particular, Applicants previously have pointed out that the present invention manages input image data on an "each input image data" basis while the Suzuki reference manages the input image data on a "print out page" basis. In addition, by way of examples, Applicants have utilized the situation of a "jam" of recording media and a failure of a memory in the case of printing 4 page images on one sheet of recording media as a means of explaining how the present invention allows for the read out of input and stored input image data such that the readout operation can be stopped (i.e., interrupted) and restarted from the point that the stoppage (i.e., interruption) took place. Further, Applicants have called attention to the present specification wherein at Page 7, line 24 to Page 8, line 7, it is stated that: *"In addition, if the input of images is interrupted by a trouble, for example, it is possible to perform the instructed image processing with respect to image data of images which have been completely inputted, recognize which image data has not been inputted, and give an instruction to restart the input and the image processing of the remaining images. Thus, image processing with high reliability can be achieved."* Applicants still further have emphasized the increase in efficiency this mode of operation provides over the prior art relied upon by the Examiner.

In the decision of the Board of Appeal in this prosecution, the Board disagreed with Applicants' interpretation of the wording of the claims of this application as it then stood on the basis the claims pending on Appeal did not define the details of the image processing. In other words, the claims on Appeal were deemed to be broad enough to cover a device in which all of the image processes are set "through" as shown in Figs. 6(a) and 6(b). Thus, the Board stated in its decision that:

"...Although a page of the image or images of a document relate to the output after the input request and input complete steps are finished, there is nothing in the specification that requires inputting multiple images for each page. In particular, the claims merely recite "image data" and "image basis" without any reference to how the image data corresponds to a page. In determining the scope of claim 1, limiting the term "image data" to something necessarily less than a page, would have placed us on the wrong side of the fine line between reading a claim in light of the specification, and reading a limitation from the specification into the claim (citation omitted) Here, although the specification allows the break up of a page into multiple images, neither the specification precludes an image data constituting a page image nor the claims require multiple images for each page. (Decision of Board Of Appeals and Interferences if 15 September 2005, at Page 5, line 20 to Page 6, line 13, Emphasis added)

In view of the foregoing, Applicants in their next previous Amendment (in addition to minor grammatical changes to some of the claims) added the limitation "said image processing means has a processing mode for generating a printout page from a plurality of input image data" (Emphasis Added) to each of the independent claims of this application, i.e., Claims 1 and 14. This amendment was based upon the explanations of Figs. 9(a) and 9(b) in the specification at page 52, line 21 to page 54, line 7. In this regard it also was argued that since the relationships of input image data and the printout image are clear from Figs. 8, 9 and 10, it would be readily understood by one of ordinary skill in the art that the present invention contemplates that it is to be possible to carry out the jam recovery and other examples discussed in detail in Applicants' Brief on Appeal with the presently claimed apparatus.

Unfortunately, however, while Applicants believed that their next previous amendment clarified the foregoing points and stated the limitations of the claims of this application in a manner that overcame the Board's apparent objection to the breadth with which the claims of this application were previously stated, the Examiner apparently does not agree with Applicants' characterization of the claims as amended by the next previous amendment in this case. Hence, the Examiner has taken the position in the currently outstanding non-final Official Action that "managing on an image basis as each image data is inputted from the input means" reads on "managing a print job on a job basis and on a page basis" which he alleges to be disclosed by Suzuki.

Applicants respectfully disagree with the Examiner on the latter point. However, in the interest of advancing the present prosecution, the present amendment rephrases Claims 1 and 14 in a manner that clarifies the difference between (i) a single set of input image data being input by the image data input means and stored as herein claimed versus (ii) image data that is grouped on a job or a page basis as disclosed by the Suzuki reference.

Accordingly, it will be understood that a distinctive characteristic of the present invention (as has been explained numerous times previously in this prosecution) may be summarily stated as follows: *In a case wherein various troubles such as a scanner trouble, a transport jam or a printer trouble occur at the time of input of sets of image data, the processing time provided by the present invention is shortened relative to that of the prior art by the capability of the present invention to restart the input from the point at which it was interrupted (i.e., the interrupted position) whereby unnecessary duplicative image inputting and image processing are avoided.*

Thus, the present Amendment clarifies that *the image data input means inputs sets of image data to be included in a single printout page and that the sets of image data are managed on an image basis as each of the sets of input image data is inputted.* In other words, the present claim wording is respectfully submitted to now clearly and unambiguously indicate that a plurality of input sets of image data are to be included in a single output page (i.e., to form a part of a single output page) and that the elements of the image data sets are managed on an image basis rather than a job or a page basis.

Applicants respectfully submit that the claims of this application as hereinabove amended now overcome the potential ambiguity in interpretation alluded to by the Board of Appeals in the portion of its decision in this prosecution quoted above (i.e., the meaning of the claim now is so clear that there can be no problem as to whether one has to read limitations from the specification into the claim rather than interpreting the claim in light of the specification). Further, Applicants respectfully submit that the claims of this application as hereinabove amended now overcome the Examiner's position that "managing on an image basis as each image data is inputted from the input means" reads on "managing a print job on a job basis and on a page basis" which he alleges to be disclosed by Suzuki.

More specifically, Suzuki describes image data that is managed on a job or printout page basis. Furthermore, in the Tanaka reference the management is carried out in units of input data. Accordingly, neither the Suzuki reference, nor the Tanaka reference, teach, disclose or suggest the claimed technical idea characterizing the present application as now clearly and definitely claimed hereinabove of a device that is arranged such that if the input image data is interrupted, the input is restarted from the set of image data where the input was interrupted, and a plurality of sets of input image data are included in a single printout page.

In support of this position, Applicants respectfully re-emphasize that Suzuki discloses that in the internal storage image data is managed on a job or printout page basis. Hence, Suzuki states:

...the internal storage 12 contains a job description file 14 for each print job as well as a plurality of items of page data 16. Each item of page data 16 stored in the internal storage 12 has its own unique data. Basically, no duplicate data is stored... (See, Suzuki at Column 5, lines 1-5)

and

When the print control system featuring both job-basis and page basis print job management... (See Suzuki at Column 5, lines 14-15)

Moreover, Tanaka discloses that image data is supplied to a registration apparatus from an input apparatus such as a photocopier and a facsimile machine, and is printed on a page basis. In particular,

...output processing is executed to take in image data from the image data registration apparatus 2...and print and output the image data by using the image data input output device 15 (Step 213) (See Tanaka at Column 5, lines 16-20)

Accordingly, in view of the foregoing Amendment and Remarks taken in the context of the examples discussed in detail in Applicants' Brief on Appeal, Applicants respectfully submit that the claims of this application as amended hereinabove are now in condition for allowance. Consequently, reconsideration and allowance of Claims 1-4 and 6-17 as hereinabove amended in response to this communication are respectfully requested in response to this communication.

Applicants also believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this Amendment Accompanying Submission of Request for Continued Examination. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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SIGNATURE OF PRACTITIONER

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